



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

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In the Matter of: )  
)  
Amerimart Development Company, Inc., ) Docket No. RCRA-02-2012-7501  
Qual-Econ Lease Co., Inc., Commercial )  
Realty Fund II, MJG Enterprises, Inc., and )  
Clear Alternative of Western, NY, Inc., )  
(d/b/a G & G Petroleum), )  
)  
Respondents. )

**INITIAL PREHEARING ORDER**

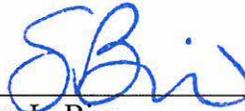
As you have been notified by Order dated May 10, 2013, I am designated to preside over this proceeding. This proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits set forth at 40 C.F.R. Part 22 (the "Rules of Practice"). The parties are advised to familiarize themselves with the Rules of Practice.

The record indicates that on May 9, 2013, the Neutral Judge recommended that the Alternative Dispute Resolution ("ADR") process in this case be terminated and reported that the parties had reached a settlement agreement and are in the process of drafting a Consent Agreement and Final Order ("CAFO"). The Neutral Judge also noted that the parties expect to file a joint motion to amend the complaint. Therefore, the parties are hereby **ORDERED** to file a fully-executed CAFO memorializing their settlement no later than **July 19, 2013**, and to send a copy to the office of the undersigned contemporaneously *by e-mail* (oaljfilings@epa.gov), *or facsimile* (202-565-0044).

If the parties have not executed a CAFO by that date, the parties are hereby **ORDERED** to file and serve instead a *joint status report* as to their progress towards settlement of this matter, which shall not include or state any specific settlement or project terms, offers or counteroffers.

**FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN ENTRY OF AN ORDER OF DISMISSAL WITH PREJUDICE OR A DEFAULT JUDGMENT, AS APPROPRIATE, WITHOUT FURTHER NOTICE.**

**SO ORDERED.**



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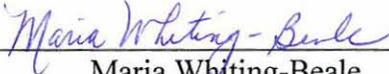
Susan L. Biro  
Chief Administrative Law Judge

Dated: May 17, 2012  
Washington, D.C.

In the Matter of Amerimart Development Company, Inc., Qual-Econ Lease Co., Inc., Commercial Realty Fund II, MJG Enterprises, Inc., and Clear Alternative or Western NY, Inc., (d/b/a G & G Petroleum), Respondents  
Docket No. RCRA-02-2012-7501

CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated May 17, 2013, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: May 17, 2013

Original And One Copy To:

Sybil Anderson  
Headquarters Hearing Clerk  
U.S. EPA  
Mail Code 1900L  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460-2001

Copy By Regular Mail And E-Mail To:

Bruce Aber, Esquire  
Office of Regional Counsel  
U.S. EPA  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866  
[aber.bruce@epa.gov](mailto:aber.bruce@epa.gov)

Craig A. Slater, Esquire  
The Slater Law Firm, PLLC  
26 Mississippi Street, Suite 400  
Buffalo, NY 14203-3014  
[cslater@cslaterlaw.com](mailto:cslater@cslaterlaw.com)